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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,518	10/09/2001	Eric Tcheou	CM2454	6375

27752 7590 07/01/2004

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,518	Applicant(s) TCHEOU, ERIC	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/26/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in United Kingdom on October 12, 2000. It is noted, however, that applicant has not filed a certified copy of the UK 0024957 application as required by 35 U.S.C. 119(b).

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "**said,**" **should be avoided**. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should **avoid using phrases** which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it need not recite "The present invention relates to" in line 1, and "said" in line 2 should be replaced with "the" or another appropriate term. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 3 is objected to because of the following informalities: The term "any" before "claim" in line 1 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 ends with a comma, it is not clear whether other limitations may have been inadvertently omitted, or this claim should have ended with a period.

In claim 7, it is not clear which claim the claim is dependent upon, whether claim 1 or claim 6?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 1-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tcheou et al. (EP 0,971,028), hereinafter "Tcheou".

Tcheou teaches a method of preparing a detergent tablet by compressing a particulate material comprising a surfactant and a hydrotrope (see abstract) wherein the particulate material can be made by any particulation or granulation process such as spray-drying or granulation and densification in a high speed mixer (see page 5, lines 33-39) which would result in a particulate material having a bulk density and particle size within those recited. Tcheou also teaches that a non-gelling binder can be sprayed onto the particulate material (see page 5, lines 40-45), wherein the non-gelling binders include polyethylene glycols, polyvinylpyrrolidones, polyacrylates and water-soluble acrylate copolymers (see page 8, lines 14-25). In Example 4, Tcheou teaches a binder spray-on comprising Lutensit K-HD 96 (see page 16, line 23), which is an ethoxylated hexamethylene diamine quat. Tcheou also discloses a non-ionic spray-on system which comprises C12-C15 AE5 (alcohol with an average of 5 ethoxy groups per molecule). Tcheou, however, fails to disclose a spray-on comprising both the nonionic surfactant and the ethoxylated hexamethylene diamine quat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the nonionic surfactant and the ethoxylated hexamethylene diamine quat spray-on because combining two or more materials disclosed by the prior art for the same purpose to form a third material that is to be used for the same purpose has been held to be a prima facie case of obviousness, see *In re Kerkhoven*, 205 USPQ 1069.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse et al. (US Patent No. 5,358,655), hereinafter "Kruse".

Kruse teaches a detergent tablet prepared by granulating 18.7 parts by weight of a granular alkaline detergent additive (spray-dried base powder) with 9.4 parts by weight trisodium citrate.2H₂O (equivalent to dissolution aid) and 1.9 parts by weight C₁₂₋₁₈ alkyl polyethylene glycol (≤ 8 EO) polybutylene glycol (≤ 8 BuO) ether in a Lodige plouwshare mixer, aftertreated with hot air in a fluidized bed and converted into tablets in a rotary tableting press (see Example, col. 7, line 60 to col. 8, line 25). Kruse, however, fails to specifically disclose the process of preparing the detergent tablet in the manner as those recited, that is, contacting the liquid binder to a base powder wherein the liquid binder comprises a nonionic surfactant and a dissolution aid.

It should be noted that the present claim is a product-by-process claim, hence, any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

Allowable Subject Matter

9. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teaches, discloses or

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suggests a process for preparing a detergent tablet in the manner as those recited, in particular wherein the binder comprises a nonionic surfactant and a diol dissolution aid as those specifically recited.

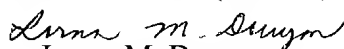
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner